THE HON'BLE SRI JUSTICE N.V. RAMANA

–

Writ Petition No.1898 of 2000

–

Dated: 02.03.2006

Between:

P. Nagendra, S/o P. Krishnaiah, Driver, resident of H.No. 15/137-A, P.B. Street, Cuddapah and others.

..... PETITIONERS

AND

A.P. Transmission and Distribution Corporation, rep. by its Chief Managing Director/Secretary, at Vidyuth Soudha, Somajiguda, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

-

Writ Petition No.1898 of 2000

Order:

Aggrieved by the action of the respondent-Corporation in not absorbing them as regular employees of the Corporation in suitable posts even though they have been working as drivers and watchmen respectively on contract basis in the sanctioned posts for more than 7 to 8 years, the petitioners filed the present writ petition.

When the matter is taken up for hearing today, learned counsel for the respondent-

Corporation submits that in view of the judgment of the apex Court in "***Steel Authority of India Ltd. v. National Union Water Front Workers***[1]" the petitioners are not entitled to any relief in this writ petition and they have to approach the Industrial Tribunal for redressal of their grievances. Learned counsel for the petitioners submits that he may be permitted to approach the Labour Court.

In ***Steel Authority of India Ltd's case*** (1 supra), it was observed by the apex Court that the determination of question as to whether the contract of employment of labour is a genuine one or a mere ruse/camouflage to evade the provisions of beneficial labour legislation, requires inquiry into disputed questions of facts which cannot conveniently be made by High Courts in exercise of jurisdiction under Article 226 of the Constitution, and the appropriate authority to go into those issues will be Industrial Tribunal/Court whose determination will be amenable to judicial review. Hence, this Court, in exercise of jurisdiction under Article 226 of the Constitution, cannot gone into the disputed questions of fact and grant any relief to the petitioners and the appropriate authority to go into those issues will be the Industrial Tribunal.

In the circumstances, the writ petition is dismissed granting liberty to the petitioners to approach the Labour Court for redresal of their grievances. No costs.

_____

N.V. RAMANA, J.

Date: 02.03.2006

Nsr/Ksr